IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6833 OF 2005

Laxman alias Vishwanath Banda Chougule ..Petitioner.
Versus
Mayadevi Bapu Khapre & Ors. ..Respondents.

Mr. I.M. Khairdi for the Petitioner.

CORAM : S. A. BOBDE, J.
DATED : 10TH OCTOBER, 2005.

P.C.:

1. The petitioner has challenged the order dated 03.09.2000 passed by the Civil Judge, Senior Division, Solapur in an Application filed by the respondent No.1 for succession certificate upon the death of one Bapu Tukaram Khapre. The respondent No.1 claimed that the said deceased Bapu Tukaram Khapre was her husband.

2. According to the petitioner, the respondent No.1 is not the widow of the deceased and therefore, is not entitled to a succession certificate. The petitioner himself has claimed no locus-standi other than that of a friend of the deceased with whom he has had certain transaction, as a result of which the deceased is said to have owed certain sum of money to the petitioner.

3. Having regard to the circumstances, I am of

view that the petitioner's application for joinder as a necessary party under Order 1 Rule 10 of C.P.C. in a proceeding pertaining to grant of succession certificate to a person with whom he has no concern or who not even remotely related but was only a friend of the deceased, would not entitle the petitioner to be impleaded as a necessary party.

4. Petition is dismissed.

5. This order shall not in any way restrain the petitioner from taking any steps for recovery of the sum allegedly due to him from any person, who has been held to be the heir of the deceased.

DT. 10.10.05 (S.A.BOBDE,J)

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